

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

Docket No. 257.P2US

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below)
OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE
SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE
INVENTION

Entitled: **Cellular Accumulation of Phosphonate Analogs of HIV Protease
Inhibitor Compounds**

the specification of which:

(check one) _____ is attached hereto:
X was filed on October 14, 2004 as

Application Serial No. 10/511,998

and was amended on _____;
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED
SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED
TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information
which is material to the patentability of the claims of this application in accordance with Title 37,
Code of Federal Regulations, §§ 1.56(a) and (b) which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

COMBINED DECLARATION AND POWER OF ATTORNEY	Docket No. 257.P2US																		
<p>(b) Under this section, information is material to patentability when it is not unumulative to information already of record or being made of record in the application, and</p> <p>(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or</p> <p>(2) It refutes, or is inconsistent with, a position the applicant takes in:</p> <p style="margin-left: 40px;">(i) Opposing an argument of unpatentability relied on by the Office, or</p> <p style="margin-left: 40px;">(ii) Asserting an argument of patentability.</p> <p>A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."</p> <p style="text-align: center;">CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) (34 U.S.C. § 119(e))</p> <p>I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:</p> <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="text-align: center; border-bottom: 1px solid black;">60/375,622</td> <td style="text-align: center; border-bottom: 1px solid black;">filed</td> <td style="text-align: center; border-bottom: 1px solid black;">April 26, 2002</td> </tr> <tr> <td style="text-align: center; border-bottom: 1px solid black;">60/375,779</td> <td style="text-align: center; border-bottom: 1px solid black;">filed</td> <td style="text-align: center; border-bottom: 1px solid black;">April 26, 2002</td> </tr> <tr> <td style="text-align: center; border-bottom: 1px solid black;">60/375,834</td> <td style="text-align: center; border-bottom: 1px solid black;">filed</td> <td style="text-align: center; border-bottom: 1px solid black;">April 26, 2002</td> </tr> <tr> <td style="text-align: center; border-bottom: 1px solid black;">60/375,665</td> <td style="text-align: center; border-bottom: 1px solid black;">filed</td> <td style="text-align: center; border-bottom: 1px solid black;">April 26, 2002</td> </tr> </table> <p>I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to this application.</p> <p>I hereby appoint the following attorneys and agents to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, to prosecute and to transact all business in connection with all patent applications directed to said invention:</p> <p style="text-align: center;"> Mark L. Bosse - Reg. No. 35,071 William Schmonsees - Reg. No. 01,796 7/18/05 James J. Wong - Reg. No. 34,949 </p> <p>and: _____</p> <p style="text-align: right;">Customer No. <u>25000</u></p> <p>Address all correspondence to: GILEAD SCIENCES, INC. 333 Lakeside Drive Foster City, California 94404</p> <p>Address all telephone calls to: <u>James J. Wong</u> at 650-522-5823.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 35%; padding: 5px;"> Full Name of First Inventor Murty N. Arimilli </td> <td style="width: 35%; padding: 5px;"> Signature </td> <td style="width: 30%; padding: 5px;"> Date <u>11-8-04</u> </td> </tr> <tr> <td colspan="2" style="padding: 5px;"> Residence 701 Number Ten Way, <u>Oak Ridge</u>, NC 27310 </td> <td style="padding: 5px;"> Citizenship United States of America </td> </tr> </table>		60/375,622	filed	April 26, 2002	60/375,779	filed	April 26, 2002	60/375,834	filed	April 26, 2002	60/375,665	filed	April 26, 2002	Full Name of First Inventor Murty N. Arimilli	Signature 	Date <u>11-8-04</u>	Residence 701 Number Ten Way, <u>Oak Ridge</u> , NC 27310		Citizenship United States of America
60/375,622	filed	April 26, 2002																	
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Residence 701 Number Ten Way, <u>Oak Ridge</u> , NC 27310		Citizenship United States of America																	

Post Office Address same as above		
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Residence 359 Montserrat Dr., Redwood City, CA 94065	Citizenship United States of America	
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Full Name of Third Inventor Clifford Bryant	Signature	Date
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Full Name of Fourth Inventor James M. Chen	Signature	Date
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Full Name of Inventor Peter H. Nelson	Signature	Date
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Post Office Address same as above		

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Post Office Address same as above		
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Post Office Address same as above		
Full Name of Inventor James D. Tario	Signature	Date
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Post Office Address same as above		
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Post Office Address same as above		
Full Name of Inventor Matthew A. Williams	Signature	Date
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Post Office Address same as above		
Full Name of Inventor Richard H. Yu	Signature	Date
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Post Office Address same as above		
Full Name of Inventor Jiancun Zhang	Signature	Date
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Post Office Address same as above		
Full Name of Inventor Lijun Zhang	Signature	Date
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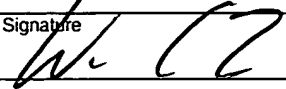
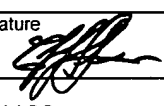
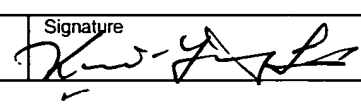

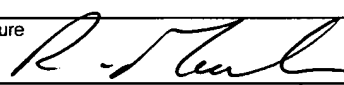
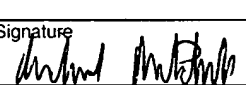
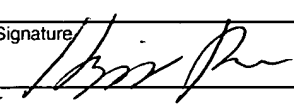
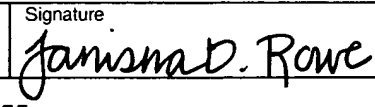
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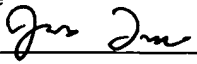
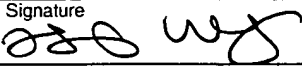

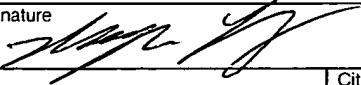


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Full Name of First Inventor Murty N. Arimilli	Signature	Date											
Residence 701 Number Ten Way, Oak Ridge, NC 27310	Citizenship United States of America												

Post Office Address same as above		
2 - 00	Full Name of Second Inventor Mark M. Becker <i>MB 11/11/04</i>	Signature <i>Mark Becker</i>
	Date Nov 11, 2004	
Residence 359 Montserrat Dr., <u>Redwood City</u> , CA 94065		Citizenship United States of America
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	Full Name of Third Inventor Clifford Bryant	Signature Date
Residence 506 Richmond Drive, #4, Millbrae, CA 94030		Citizenship United States of America
Post Office Address same as above		
4 - 00	Full Name of Fourth Inventor James M. Chen	Signature <i>James M. Chen</i>
	Date Nov. 9 2004	
Residence 4015 Marblehead Dr., <u>San Ramon</u> , CA 94583		Citizenship United States of America
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5 - 00	Full Name of Fifth Inventor Xiaowu Chen	Signature <i>Xiaowu Chen</i>
	Date Nov. 9, 2004	
Residence 377 Laurie Meadows Drive, Apt. 319, <u>San Mateo</u> , CA 94403		Citizenship United States of America
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	Full Name of Sixth Inventor Azar Dastgah	Signature Date
Residence 1409 Via Vista, San Mateo, CA 94404		Citizenship United States of America
Post Office Address same as above		
7 - 00	Full Name of Seventh Inventor Maria Fardis	Signature <i>Maria Fardis</i>
	Date Nov. 9, 2004	
Residence 105 Aberdeen Drive, <u>San Carlos</u> , CA 94070		Citizenship United States of America
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8 - 00	Full Name of Eighth Inventor Gong-Xin He	Signature <i>Gong-Xin He</i>
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9 - 00	Full Name of Ninth Inventor Haolun Jin	Signature <i>H. Jin</i>
	Date Nov. 11, 2004	
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10 - 00	Full Name of Tenth Inventor Choung U. Kim	Signature <i>Choung U. Kim</i>
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13 - 00	Full Name of Inventor Kuei-Ying Lin	Signature 	Date 11/09/04
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21 - ∞	Full Name of Inventor Sundaramoorthi Swaminathan	Signature 	Date Nov 9, 2004
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	Post Office Address same as above		
22 - ∞	Full Name of Inventor James D. Tario	Signature 	Date Nov 9, 2004
	Residence 142 Elm Street, Apt. 205, <u>San Mateo</u> , CA 94401	Citizenship United States of America	
	Post Office Address same as above		
23 - ∞	Full Name of Inventor Jianying Wang	Signature 	Date Nov. 9, 2004
	Residence 770 Crane Avenue, <u>Foster City</u> , CA 94404	Citizenship United States of America	
	Post Office Address same as above		
	Full Name of Inventor Matthew A. Williams	Signature	Date
	Residence 906 7 th Avenue, San Mateo, CA 94402	Citizenship United States of America	
	Post Office Address same as above		
25 - ∞	Full Name of Inventor Lianhong Xu	Signature 	Date 11/09/04
	Residence 640 Hobart Avenue, <u>San Mateo</u> , CA 94402	Citizenship United States of America	
	Post Office Address same as above		
26 - ∞	Full Name of Inventor Zheng-Yu Yang	Signature 	Date 11/10/04
	Residence 888 Foster City, Blvd., <u>Foster City</u> , CA 94404	Citizenship Peoples Republic of China	
	Post Office Address same as above		
27 - ∞	Full Name of Inventor Richard H. Yu	Signature 	Date 11/11/04
	Residence 2625 35 th Avenue, <u>San Francisco</u> , CA 94116	Citizenship United States of America	
	Post Office Address same as above		
	Full Name of Inventor Jiancun Zhang	Signature	Date
	Residence 5142 Masonic Avenue, Oakland, CA 94618	Citizenship United States of America	
	Post Office Address same as above		
29 - ∞	Full Name of Inventor Lijun Zhang	Signature 	Date 11/9/04
	Residence 4033 Middlefield Road, <u>Palo Alto</u> , California 94303 CA.	Citizenship Peoples Republic of China	
	Post Office Address same as above		

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

Docket No. 257.P2US

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below)
OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE
SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE
INVENTION

Entitled: **Cellular Accumulation of Phosphonate Analogs of HIV Protease
Inhibitor Compounds**

the specification of which:

(check one) ____ is attached hereto:
 X was filed on October 14, 2004 as

Application Serial No. 10/511,998

and was amended on _____;
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED
SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED
TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information
which is material to the patentability of the claims of this application in accordance with Title 37,
Code of Federal Regulations, §§ 1.56(a) and (b) which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

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(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

COMBINED DECLARATION AND POWER OF ATTORNEY	Docket No. 257.P2US												
<p>(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and</p> <p style="margin-left: 40px;">(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or</p> <p style="margin-left: 40px;">(2) It refutes, or is inconsistent with, a position the applicant takes in:</p> <p style="margin-left: 80px;">(i) Opposing an argument of unpatentability relied on by the Office, or</p> <p style="margin-left: 80px;">(ii) Asserting an argument of patentability.</p> <p>A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."</p> <p style="text-align: center;">CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) (34 U.S.C. § 119(e))</p> <p>I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:</p> <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="text-align: center; border-bottom: 1px solid black;">60/375,622</td> <td style="text-align: center; padding: 0 10px;">filed</td> <td style="text-align: center; border-bottom: 1px solid black;">April 26, 2002</td> </tr> <tr> <td style="text-align: center; border-bottom: 1px solid black;">60/375,779</td> <td style="text-align: center; padding: 0 10px;">filed</td> <td style="text-align: center; border-bottom: 1px solid black;">April 26, 2002</td> </tr> <tr> <td style="text-align: center; border-bottom: 1px solid black;">60/375,834</td> <td style="text-align: center; padding: 0 10px;">filed</td> <td style="text-align: center; border-bottom: 1px solid black;">April 26, 2002</td> </tr> <tr> <td style="text-align: center; border-bottom: 1px solid black;">60/375,665</td> <td style="text-align: center; padding: 0 10px;">filed</td> <td style="text-align: center; border-bottom: 1px solid black;">April 26, 2002</td> </tr> </table> <p>I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to this application.</p> <p>I hereby appoint the following attorneys and agents to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, to prosecute and to transact all business in connection with all patent applications directed to said invention:</p> <p style="text-align: center; margin-left: 200px;">Mark L. Bosse - Reg. No. 35,071 James J. Wong - Reg. No. 34,949</p> <p>and: _____</p> <p>Address all correspondence to: GILEAD SCIENCES, INC. 333 Lakeside Drive Foster City, California 94404</p> <p>Address all telephone calls to: James J. Wong at 650-522-5823.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>		60/375,622	filed	April 26, 2002	60/375,779	filed	April 26, 2002	60/375,834	filed	April 26, 2002	60/375,665	filed	April 26, 2002
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Post Office Address same as above		
Full Name of Third Inventor Clifford Bryant	Signature <i>Clifford M. Bryant</i>	Date Nov-6-7
Residence 506 Richmond Drive, #4, Millbrae, CA 94030		Citizenship United States of America
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Full Name of Sixth Inventor Azar Dastgah	Signature	Date
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Full Name of Seventh Inventor Maria Fardis	Signature	Date
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Full Name of Eighth Inventor Gong-Xin He	Signature	Date
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Post Office Address same as above		

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**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

Docket No. 257.P2US

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INVENTION

Entitled: **Cellular Accumulation of Phosphonate Analogs of HIV Protease
Inhibitor Compounds**

the specification of which:

(check one) _____ is attached hereto:
 X was filed on October 14, 2004 as

Application Serial No. 10/511,998

and was amended on _____;
(if applicable)

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I acknowledge and understand that I am an individual who has a duty to disclose information
which is material to the patentability of the claims of this application in accordance with Title 37,
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**COMBINED DECLARATION AND
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Docket No. 257.P2US

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- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
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CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(34 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

<u>60/375,622</u>	filed	<u>April 26, 2002</u>
<u>60/375,779</u>	filed	<u>April 26, 2002</u>
<u>60/375,834</u>	filed	<u>April 26, 2002</u>
<u>60/375,665</u>	filed	<u>April 26, 2002</u>

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I hereby appoint the following attorneys and agents to prosecute said application and to transact all business in the Patent Trademark Office connected therewith and to file, to prosecute and to transact all business in connection with all patent applications directed to said invention:

Mark L. Bosse - Reg. No. 35,071
James J. Wong - Reg. No. 34,949

and: _____

Address all correspondence to: **GILEAD SCIENCES, INC.**
333 Lakeside Drive
Foster City, California 94404

Address all telephone calls to: James J. Wong at 650-522-5823.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor Murty N. Arimilli	Signature	Date
Residence 701 Number Ten Way, Oak Ridge, NC 27310	Citizenship United States of America	

Page 2 of 5

Post Office Address same as above		
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Full Name of Inventor Peter H. Nelson	Signature <i>Peter H. Nelson</i>	Date 11-5-04 10-7-05
Residence 42 San Juan Court, <u>Los Altos</u> , CA 94022	Citizenship United States of America	
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Full Name of Inventor Hyung-Jung Pyun	Signature	Date
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**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

Docket No. 257.P2US

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below)
OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE
SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE
INVENTION

Entitled: **Cellular Accumulation of Phosphonate Analogs of HIV Protease
Inhibitor Compounds**

the specification of which:

(check one) _____ is attached hereto:
 X was filed on October 14, 2004 as

Application Serial No. 10/511,998

and was amended on _____;
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED
SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED
TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information
which is material to the patentability of the claims of this application in accordance with Title 37,
Code of Federal Regulations, §§ 1.56(a) and (b) which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

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Z4-00

Docket No. 257.P2US

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(check one) ☒ is attached hereto:
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COMBINED DECLARATION AND POWER OF ATTORNEY	Docket No. 257.P2US												
<p>(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and</p> <p style="margin-left: 40px;">(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or</p> <p style="margin-left: 40px;">(2) It refutes, or is inconsistent with, a position the applicant takes in:</p> <p style="margin-left: 80px;">(i) Opposing an argument of unpatentability relied on by the Office, or</p> <p style="margin-left: 80px;">(ii) Asserting an argument of patentability.</p> <p>A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."</p> <p style="text-align: center;">CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) (34 U.S.C. § 119(e))</p> <p>I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:</p> <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="text-align: center; border-bottom: 1px solid black;">60/375,622</td> <td style="text-align: center; padding: 0 10px;">filed</td> <td style="text-align: center; border-bottom: 1px solid black;">April 26, 2002</td> </tr> <tr> <td style="text-align: center; border-bottom: 1px solid black;">60/375,779</td> <td style="text-align: center; padding: 0 10px;">filed</td> <td style="text-align: center; border-bottom: 1px solid black;">April 26, 2002</td> </tr> <tr> <td style="text-align: center; border-bottom: 1px solid black;">60/375,834</td> <td style="text-align: center; padding: 0 10px;">filed</td> <td style="text-align: center; border-bottom: 1px solid black;">April 26, 2002</td> </tr> <tr> <td style="text-align: center; border-bottom: 1px solid black;">60/375,665</td> <td style="text-align: center; padding: 0 10px;">filed</td> <td style="text-align: center; border-bottom: 1px solid black;">April 26, 2002</td> </tr> </table> <p>I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to this application.</p> <p>I hereby appoint the following attorneys and agents to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, to prosecute and to transact all business in connection with all patent applications directed to said invention:</p> <p style="text-align: center; margin-left: 200px;">Mark L. Bosse - Reg. No. 35,071 James J. Wong - Reg. No. 34,949</p> <p>and: _____</p> <p>Address all correspondence to: GILEAD SCIENCES, INC. 333 Lakeside Drive Foster City, California 94404</p> <p>Address all telephone calls to: <u>James J. Wong</u> at 650-522-5823.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>		60/375,622	filed	April 26, 2002	60/375,779	filed	April 26, 2002	60/375,834	filed	April 26, 2002	60/375,665	filed	April 26, 2002
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